

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

Mr. Michael Moates

Plaintiffs

v.

Facebook Inc.

Defendants

Case No.: 4:21-cv-00694

**MOTION FOR LEAVE TO FILE  
AMENDED COMPLAINT**

Pursuant to Rule 15(a), Plaintiff Michael Moates requests this court grant leave to file an amended complaint. The rule reads, “In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires.”

As Defendants have stated multiple times, this action was originally brought in a state district court in Texas. It was subsequently removed to the United States District Court for the Eastern District of Texas. As such, the pleadings in this case were subject to state jurisdictional rules of civil procedure. It is not in compliance with the Federal Rules of Civil Procedure. Further, some causes of actions shall now be dismissed and others raised.

This court has ruled numerous times that the purpose of Rule 15 is to allow for a full hearing on the merits. See emphasis added: “The purpose of Rule 15(d) is to **promote as complete an**

1 **adjudication** of the dispute between the parties as is possible.” LaSalvia v. United Dairymen of  
2 Ariz., 804 F.2d 1113, 1119 (9th Cir. 1986). (Emphasis Added).

3  
4 The court has (see emphasis) “Rule 15(d) is intended to give district courts **broad discretion in**  
5 **allowing supplemental pleadings**. The rule is a tool of judicial economy and convenience.”  
6 Keith v. Volpe, 858 F.2d 467, 473 (9th Cir. 1988). (Emphasis added).

7  
8 There is no undue prejudice to Defendants as the events all arise from the same action. Nothing  
9 additional is being pleaded. Simply, the complaint is to be amended with the Federal Rules of  
10 Civil Procedure and causes of actions consistent with Federal and California law.

11 The move from state court to federal court was the choice of Defendants. The transfer from the  
12 Eastern District of Texas to the Northern District of Texas was the choice of Defendants. Plaintiff  
13 simply asks this court to allow him to comply with the rules set forth by this court and the case  
14 law that applies to it. In addition to the laws, there are different precedents set by the Ninth  
15 Circuit Court of Appeals that apply to this court.

16 Also, no Amended Complaint has been filed in Federal Court. Only once in state court. No  
17 Amended Complaint has been filed since multiple parties were dismissed. Thus, the need to  
18 clarify who and what causes of actions apply to which parties.

19  
20 A denial of the request for Amended Complaint would cause the Plaintiff to not get justice  
21 because he would not be able to effectively present his case. The Plaintiff requests 30 days from  
22

1 the date the court approves this motion to submit an amended complaint. If a denial is issued, the  
2 Plaintiff requests a stay pending appellate procedure.

3 Very Respectfully,

4 /s/ Michael Moates

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6 Fort Worth, Texas 76112

7 (254) 966-2837

8 mike@behaviorscientists.org

9  
10  
11 **CERTIFICATE OF SERVICE**

12 The undersigned hereby certifies that all counsel of record who are deemed to have consented to  
13 electronic service are being served with this document via email via their consent.

14  
15  
16 Very Respectfully,

17 /s/ Michael Moates

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